



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/936,148 | 09/07/2001 | Takeo Yamaguchi | NAII-1-17989 | 7918 |

26389 7590 06/27/2003

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

WEINER, LAURA S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1745

DATE MAILED: 06/27/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

AS5

Office Action Summary

Application No.

09/936,148

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Laura S Weiner

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-41 is/are allowed.
- 6) ☒ Claim(s) 14-17, 19, 21, 23-25, 27, 28, 30-32, 34, 35, 37, 42, 43, 45, 46 and 49 is/are rejected.
- 7) ☒ Claim(s) 18, 20, 22, 26, 29, 33, 36, 44, 47, 48 and 50-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 23, 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (JP 64-022932, abstract).

Ito et al. teaches an electrolytic thin film having a low film resistance and excellent mechanical strength and usable in a fuel cell by filling an ion exchange polymer in pores of a porous thin film consisting of an ultrahigh molecular weight polyolefin. The solid electrolytic thin film is obtained by filling an ion exchange polymer in pores of a porous polyolefin thin film.

3. Claims 14-17, 19, 21, 23-25, 27-28, 30-32, 34-35, 37, 42-43, 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Koseki et al. (JP 07-065624, abstract and translation).

Koseki et al. teaches a proton conductive solid electrolyte is contained in or held by a high polymer fine porous film in which a carrier of alumina or the like is used and a proton conductive electrolytic solution is filled in voids and is fixed.

Art Unit: 1745

4. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (JP 03-098632, abstract).

Yamaguchi et al. teaches methylacrylate is plasma-polymerized on a finely porous membrane of a super high molecular weight. The fine pores of the finely porous membrane are blocked up by the polymerization.

Allowable Subject Matter

5. Claims 18, 20, 22, 26, 29, 33, 36, 44, 47-48, 50-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 38-41 are allowed.

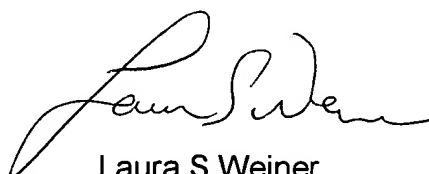
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1745

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Weiner whose telephone number is 703-308-4396. The examiner works a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 703-308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in cursive script, appearing to read 'Laura S. Weiner', is positioned above the printed name and title.

Laura S Weiner
Primary Examiner
Art Unit 1745
June 25, 2003